

DEPARTMENT OF PLANNING  
STAFF REPORT

**# 4**

Supplemental  
information

## BOARD OF SUPERVISORS PUBLIC HEARING

**DATE OF HEARING: May 10, 2010**  
**ZCPA 2009-0010, TOWNES OF EAST GATE**  
**DECISION DEADLINE: December 30, 2010**  
**ELECTION DISTRICT: DULLES PROJECT PLANNER: Ginny Rowen**

### EXECUTIVE SUMMARY

At the request of the Board of Supervisors, Pulte Homes of Fairfax, Virginia has submitted an application to amend the proffers associated with ZMAP 2002-0022, Townes of East Gate in order to allow a cash equivalency in lieu of constructing proffered Route 50 improvements. VDOT has an approved road project that will construct the improvements proffered by the applicant and the cash equivalency will be applied to other transportation / transit improvements in the area. The proposal does not change the approved number of units and there are no other changes to the approved application. The application is subject to the Revised 1993 Zoning Ordinance and is located on the east side of Poland Road, approximately 2,000 feet south of Route 50 on both sides of Tall Cedars Parkway. The site is governed by the policies of the Revised General Plan which calls for Business Community uses on the north side of the property (residential density up to 16 du / ac.) and Residential on the south side of the property (up to 4 du / ac.).

This report provides updated information related to the Planning Commission review and recommendation for this application.

### RECOMMENDATIONS

The Planning Commission voted 9-0 to forward the application to the Board of Supervisors with a recommendation of approval. Staff recommends approval of the application.

### SUGGESTED MOTIONS

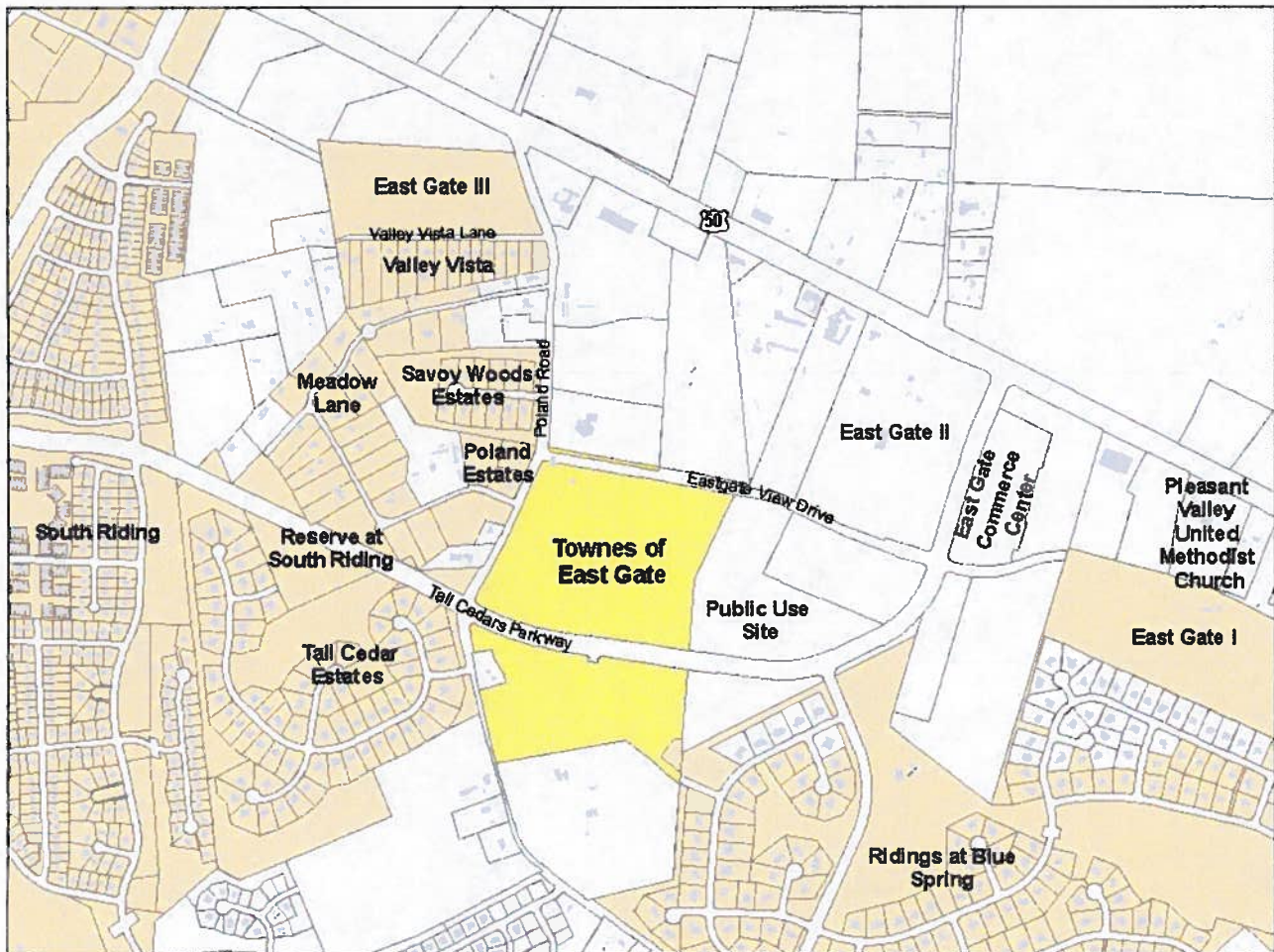
1. I move that the Board of Supervisors forward ZCPA 2009-0010, Townes of East Gate, to a June 1, 2010 Board business meeting for action. OR
2. I move that the Board of Supervisors suspend the rules; AND

I further move that the Board of Supervisors approve ZCPA 2009-0010, Townes of East Gate, subject to the Proffers dated April 29, 2010, and with the Findings contained in the May 10, 2010 Staff Report.

3. I move an alternate motion.

### VICINITY MAP

**Directions:** From Leesburg: Proceed south on Route 15. Make a left onto Evergreen Mills Road and proceed south to Loudoun County Parkway. Make a right onto Loudoun County Parkway and proceed south to Route 50. Make a left onto Route 50 and proceed east to Poland Road. Make a right onto Poland Road and proceed approximately 2,000 feet to the property on the left.



## SUMMARY OF DISCUSSION

Referral Agency	Issues Examined and Status
Comprehensive Plan	<ul style="list-style-type: none"> <li>Conformance with Business Community &amp; Residential policies of <u>Revised General Plan</u> (Arcola Area / Route 50 Corridor Plan) Status: No outstanding issues</li> <li>At the request of Board of Supervisors, applicant has proffered cash equivalency in lieu of constructing Route 50 improvements. Status: No outstanding issues.</li> <li>Construction of additional left turn lane on westbound Route 50 and signal adjustments by VDOT (as proffered in Townes of East Gate rezoning application). Status: no outstanding issues.</li> </ul>
Zoning	<ul style="list-style-type: none"> <li>Clarification of proffers (related to citations, cash equivalency amount, editorial changes, escalation clause) in accordance with staff recommendations. Status: no outstanding issues.</li> </ul>
Transportation	<ul style="list-style-type: none"> <li>VDOT support of cash equivalency in lieu of constructing Route 50 improvements. Status: no outstanding issues.</li> <li>Cash equivalency to provide funds for additional road / transit improvements in area. Status: no outstanding issues.</li> </ul>
Proffer Contributions	<ul style="list-style-type: none"> <li>Bond estimate of \$259,000 provided for the approved turn lane and signal adjustments proffered in the original rezoning. The applicant's proffers incorporate this amount. Status: no outstanding issues.</li> </ul>

Applicable Policy or Ordinance Section
<u>Revised General Plan</u>  Arcola Area / Route 50 Corridor Plan – General Policy #7, Transportation Policy #2
<u>Revised Countywide Transportation Plan (CTP)</u> – Proffer Policy #6, Funding Policies #4.b., 21, 23
<u>Revised 1993 Zoning Ordinance</u> - Section 7-800, R-8 single family detached / attached requirements, Section 4-100, PD-H6 requirements

## PLANNING COMMISSION REVIEW AND RECOMMENDATION

The Planning Commission reviewed the application at the April 28, 2010 public hearing. One member of the public cited general safety concerns about Poland Road as well as the intersection of Tall Cedars Parkway and Route 50. The applicant noted that a speed study was conducted for Poland Road. In addition, a traffic signal warrant study was also conducted for the Poland Road / Tall Cedars Parkway intersection. Although a traffic signal is not warranted at this time, a four-way stop is warranted and will be provided within several weeks. Changes to the Tall Cedars Parkway / Route 50 intersection are also anticipated in the near future. Staff also noted that the approved Proffers for the Townes of East Gate require the improvement of a portion of Poland Road from a 2-lane facility to a four-lane facility. The Planning Commission asked and the applicant agreed to revise the Proffers to apply the cash equivalency to a specific geographic area consisting of: Fairfax / Loudoun County line (east), Route 50 (north), existing Gum Springs Road (west), and Braddock Road (south). The Commission voted unanimously (9-0) to forward the application to the Board of Supervisors with a recommendation of approval. Staff has attached a copy of the revised Proffer Statement, which has been approved to legal form. There are no issues identified with the application.

## FINDINGS

1. The application provides a cash equivalency in lieu of constructing proffered Route 50 improvements consistent with Revised General Plan and Countywide Transportation Plan policies.
2. An approved VDOT project will construct an additional Route 50 westbound turn lane (as proffered in the Townes of East Gate rezoning application) and will adjust signal timing at the intersection of Route 50 and Poland Road.
3. A cash equivalent contribution will provide funds for additional road / transit improvements in the area.

## Summary of Issues

There are no outstanding issues with this application. A full analysis of the application was included in the Planning Commission Public Hearing Staff Report that was previously distributed to the Board. In accordance with Planning Commission request, the applicant revised the proffers to apply the cash equivalency to a specific geographic area. No other changes were made to the application since the publication of that report.

## Attachment

Proffer Statement dated April 29, 2010

PROFFER STATEMENT  
TOWNES AT EAST GATE  
ZCPA 2009-0010  
REVISED APRIL 29, 2010

This application is filed pursuant to Section 15.2-2303 of the Code of Virginia (1950, as amended), and the Revised 1993 Loudoun County Zoning Ordinance (the "Zoning Ordinance"). Pulte Home Corp. ("Owner") is the owner of a parcel more particularly described as Tax Map 107 Parcel 40 (PIN # 128-10-4864 ) (the "ZCPA Property").

The ZCPA Property is zoned Planned Development-Housing 6 (PDH-6) under the Zoning Ordinance and is subject to the proffers associated with ZMAP 2002-0022 Townes of East Gate approved by the Loudoun County Board of Supervisors (the "County") on October 18, 2005. The Owner, on behalf of itself and its successors in interest, hereby voluntarily proffers that in the event ZCPA 2009-0010 is approved by the County, as substantially set forth in the Zoning Concept Plan Amendment Plan dated October 2, 2002, with revisions through January 14, 2010, and further described in its application, ZCPA 2009-0010, the development of the ZCPA Property shall be in substantial conformance with the proffers set forth below. Exhibits referenced are attached and incorporated by reference.

The following proffers amend only those proffers of ZMAP 2002-0022 specifically referenced below and are the only conditions offered in conjunction with this Zoning Concept Plan Amendment application. All other proffers associated with ZMAP 2002-0022 Townes of East Gate referenced above shall remain in full force and effect, except as specifically amended or supplemented in this proffer statement. All proffer amendments made herein are contingent upon the approval of this ZCPA 2009-0010. All terms capitalized but not defined herein shall have the definitions assigned to such terms in ZMAP 2002-0022.

I. CONCEPT DEVELOPMENT PLAN (CDP)

Proffer I of ZMAP 2002-0022 is hereby replaced with the following:

The development of the Property shall be in substantial conformance with Sheets 3, 3A, 4, 5, 6, 7, 7A, and 7B of the plan set entitled "Townes at East Gate (formerly the Gates of Loudoun)



Rezoning Application”, dated October 2, 2002, with revisions through January 14, 2010, prepared by christopher consultants, ltd. and incorporated herein by reference as Exhibit A. These sheets are more specifically identified as: Sheet 3 – “Concept Development Plat” (1”=100’); Sheet 3A – “Concept Development Plat (1”=200’); Sheet 4 – “Land Use and Circulation With Existing Conditions”; Sheet 5 – “Phasing and Utilities Plan”; Sheet 6 – “Conceptual Transportation Improvements”; Sheet 7 – “Landscape Plan”; Sheet 7A - “Buffer Yards Exhibits”; Sheet 7B – “Recreational Improvements Exhibit”. These drawings shall control the general development, layout and configuration of the Property, with the understanding that all requirements of the PDH-6 zoning district must be met and will take precedence over the Concept Development Plan. Development of the Property shall be allowed up to a maximum of 57 single-family detached (SFD) units and 267 single-family attached (SFA) units, inclusive of affordable dwelling units (ADUs).

#### V.C.1. REGIONAL ROAD IMPROVEMENTS

Proffer V.C.1 of ZMAP 2002-0022 is hereby replaced with the following:

1. Poland Road Improvement at Route 50.

Prior to the issuance of the first occupancy permit for any residential use on the site, the Applicant will bond and construct the following improvement (for the purposes of these proffers, the word “construct” shall mean open to the public for use, but does not necessarily mean accepted into the VDOT system for maintenance):

Poland Road from Route 50 to approximately 250 feet south of the existing commercial entrance to PIN 128-40-8530-000, will be constructed or bonded for construction to a four lane configuration. This four lane configuration will consist of a dedicated right turn lane which will serve the commercial entrances on PIN 128-40-4288-000 and PIN 128-40-8530-000, as well as being the dedicated right turn lane from northbound Poland Road to eastbound Route 50. There will be one dedicated southbound lane and one dedicated northbound lane. The fourth lane will act as a receiving lane for the dual westbound turn lanes from Route 50 and then become a thru/left turn lane. A conceptual sketch of these improvements is shown on Sheet 6 of 9 of the Rezoning Application identified as “Conceptual Transportation Improvements.”

V.D. CASH CONTRIBUTIONS FOR TRANSIT FUND OR REGIONAL ROAD IMPROVEMENTS

Proffer V.D. of ZMAP 2002-0022 is hereby replaced with the following:

Route 50 Improvements –

1. In recognition of the positive impact that the VDOT Route 50 widening project will have on this project, the Applicant will make a one-time cash contribution of \$259,000. This contribution must be paid prior to the issuance of the first zoning permit for any residential use on the site. This cash contribution shall escalate in accordance with Proffer X of this proffer statement except that such escalation will start from the date that this application, ZCPA 2009-0010, is approved.
2. The Applicant shall provide, prior to the issuance of zoning permit for each residential unit, a one-time cash contribution in the amount of \$500 per residential unit.
3. These contributions are to be used at the County's discretion for public transportation services or regional road improvements within that portion of the Dulles Community Planning Area as identified in the Revised General Plan and bounded by the Fairfax County line to the east, Route 50 to the north, existing Gum Springs Road to the west and Braddock Road to the south.
4. The Applicant will cooperate with adjacent developments and attempt to provide and enhance a transit system in the area.

X. CASH CONTRIBUTION ESCALATION

Proffer X. of ZMAP 2002-0022 is hereby replaced with the following:

Unless otherwise provided, any and all cash contributions designated in this proffer statement shall escalate on a yearly basis starting from October 18, 2005 and changing effective each January 1 thereafter based on the Consumer Price Index for all urban consumers (CPI-U), 1982-1984=100 (not seasonally adjusted) as published by the Bureau of Labor Statistics, United

States Department of Labor for the Washington-Baltimore, MD-VA-DC-WV Consolidated Metropolitan Statistical Area. If this Index should cease to be published, then the contributions will escalate in accord with another equivalent Index mutually agreed upon by the Applicant and the County.

2. BINDING EFFECTS

The undersigned Owner warrants that it owns all interests in the ZCPA Property; that the undersigned has full authority to bind the ZCPA Property to these conditions; that no signature from any third party is necessary for these Proffers to be binding and enforceable in accordance with their terms; that the undersigned is fully authorized to sign these Proffers on behalf of the Owner; and that these Proffers are entered into voluntarily.



The undersigned hereby warrants that all the owners of a legal interest of the Property have signed this proffer statement, that he/she has full authority to bind the Property to these conditions, either individually or jointly, with the other owners affixing their signatures hereto, and that the proffers are entered into voluntarily.

Pulte Home Corp., by

\_\_\_\_\_  
Signature

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

County of Loudoun, Commonwealth of Virginia

I, the undersigned notary public, in and for the state and city/county aforesaid, do hereby certify that \_\_\_\_\_, whose name is signed to the foregoing instrument, has acknowledged the same before me.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 2010.

My Commission Expires:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Notary Public